

CRM-M-25091-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(102)

CRM-M-25091-2022

Date of decision:- 30.11.2023

Harkirat Singh Sandhu ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jasmeet Singh Bhatia, Advocate  
for the petitioner.  
...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

| FIR No. | Dated      | Police Station                          | Section(s) |
|---------|------------|-----------------------------------------|------------|
| 0057    | 31.03.2022 | Gidderbaha, District Sri Muktsar Sahib. | 406, IPC.  |

2. Mr. Jasmeet Singh Bhatia, Advocate has put in appearance on behalf of the petitioner and has filed Power of Attorney, which is taken on record. He has requested for another opportunity to deposit the amount.

3. While issuing notice of motion on 02.06.2022, this Court passed the following order:-

*“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for anticipatory bail to the petitioner in case bearing FIR No. 0057 dated 31.03.2022 (Annexure P-1) under Section 406 of the IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib.*

*Learned counsel for the petitioner inter alia contends that in the inquiry proceedings allegedly conducted by the Department have not dwelled into movement of the paddy from the Mill of the petitioner. He has further made a reference to the specific vehicle numbers through which various movements have taken place from the Mill of the petitioner to Jagdambe Rice Mill Jaito. He further contends that even though it is noticed in the order that the petitioner was called on various occasions to join the enquiry, however, during the said period the petitioner was not in India and in support thereof he places reliance upon the Passport to reflect that he was away from India. He further undertakes that the petitioner is ready and willing to join the investigation and that as an upfront to show his bona fide, he is willing to deposit an amount of Rs. 40 lacs with the Department subject to the final outcome of the proceedings. Out of the aforesaid amount of Rs.40 lacs a sum of Rs.20 lacs shall be deposited on or before 30.06.2022 and the remaining 20 lacs shall be deposited after 15 days thereafter by 15.07.2022.*

*Notice of motion.*

*Mr. Karanbir Singh, AAG, Punjab appears and accepts notice on behalf of the respondent/State.*

*In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the*

*arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. List on 24.08.2022, for further consideration.”*

4. Despite the fact that the matter has remained pending for 1½ years, petitioner has not complied with the undertaking given on his behalf. A cheque of Rs.25,00,000/-, drawn in the name of D.M. PUNSUP, was deposited with the Registrar of this Court, though after the time fixed for the said purpose. The validity of the said cheque has also expired. Perusal of the interim orders passed by this Court, shows that repeated opportunities were given to the petitioner to comply with the orders, however, he has failed to do so. This Court is of the view that no further opportunity is deserved to be granted to the petitioner.
5. Petition is dismissed. Liberty is, however, granted to the petitioner to file a fresh petition in case there is any change in circumstances.

**(SUVIR SEHGAL)**  
**JUDGE**

30.11.2023  
Pardeep

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes    |
| Whether Reportable        | Yes/No |